IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 5003 of 1996

Between:

Potluri Renuka W/o. Nagesh Babu
rep.by her GPA Holder Sri Madala Anil Kumar S/o. Venkateswara Rao, R/o.Chiluvuru,
Duggirala Mandal, Guntur Dist, now R/o.Plot No.36 Road No.2, Banjara Hills, Hyderabad

..... PETITIONER

AND

1 The Government of A.P., rep.by its Secretary
Social Welfare Department Secretariat Buildings
Saifabad, Hyderabad
2 The District Collector
Guntur District, Guntur
3 The Revenue Divisional Officer, Tenali Division,
Tenali, Guntur Dist
4 The Mandal Revenue Officer,
Duggirala Mandal, Guntur Dist

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more especially one in the nature of writ of mandamus declaring the acquisition of the petitioner's land of an extent of Ac.6-40 cemts covered by S.Nos.478/A3, 478/A5 and 479 of Chiluvuru Village, Duggirala mandal, Guntur District in pursuance of the 2nd respondent's 4(1) Notification Dt.18/12/95 proposing to acquire the petitioner's land of Ac.5-48 cents covered by S.Nos.478/A3 and as per Sec.6 declaration Dt.18/12/95 of the 2nd respondent herein is null and void and contrary to the provisions of the Land Acquisition Act and the Rules made thereunder and direct the respondents not to acquire the petitioner's

land.

Counsel for the Petitioner: MR.G.KRISHNA MURTHY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

THE HONOURABLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.5003 OF 1996

ORDER:

This writ petition is filed seeking a writ of mandamus to declare the acquisition of the petitioner's land admeasuring Ac.6.40 cents covered by Survey No.478/A3, 478/A5 and 479 of Chilvuru Village, Duggirala Mandal of Guntur District in pursuance of the notification dated 18.12.1985 issued by the second respondent under Section 4(1) of the Land Acquisition Act, as null and void.

Though the writ petition is of the year 1996, the respondents did not file counter. However, the learned Government Pleader appearing for the respondents placed a letter dated 12.09.2002 addressed to him by the District Collector, Guntur, the contents of which reads as follows:

> " I invite attention of the references cited. In the reference 3rd cited the parawise remarks in W.P.no.5003/96 in respect of Chiluvuru village of Duggirala Mandal were sent for filing in High Court of A.P., Hyderabad. The Sub-Collector, Tenali has informed in the parawise remarks that there is no demand from the beneficiaries for provision of house sites in this village, that in view of the paucity of funds and no demand from beneficiaries side, and hence the L.A. proposals dropped.
>
> I therefore request you to pursue the closure of the writ petition and intimate the stage of the case immediate. I send herewith copy of the parawise remarks of Sub-Collector, Tenali for ready reference."

In that view of the matter, the notification issued under Section 4(1) of the Land

Acquisition Act, notifying the lands of the petitioner for acquisition, is hereby set aside. The writ petition is accordingly allowed. No order as to costs.

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(JUSTICE R.SUBHASH REDDY)

Dt.02.02.2005.

Mdaa

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this the Wednesday, the 02nd day of February, two thousand and five.

Copy to:

1. The Secretary,

Government of A.P., Social Welfare Department Secretariat Buildings
Saifabad, Hyderabad

2 The District Collector
Guntur District, Guntur

3 The Revenue Divisional Officer, Tenali Division,
Tenali, Guntur Dist

4 The Mandal Revenue Officer,
Duggirala Mandal, Guntur Dist

5. Two C.Cs to G.P.for Revenue, High Court of A.P.,Hyderabad(OUT)

6. Two C.D.copies.